

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Defendant,

v.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Defendants.

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-
AWA-BMK.

JOINT STIPULATION REGARDING WITNESSES EXCLUDED FROM TRIAL

WHEREAS, the parties to the above-captioned proceeding (the “Parties”) have identified the following persons as potential witnesses in this proceeding:

Delegate Barry Knight, Delegate Brenda Pogge, Delegate G. M. (Manoli) Loupassi, Delegate Gordon C. Helsel, Jr., Delegate James P. Massie, III, Delegate M. Kirkland Cox, Delegate Riley E. Ingram, Delegate Roxann L. Robinson, Bill Janis, G. Glenn Oder, John Cox, Robert Tata, Senator John Cosgrove, Kenny Alexander, Jack Austin, Mamye BaCote, Delegate Betsy Carr, Joseph Gerald Hebert, E.M. Miller, Kirk Showalter, Mary Spain, Lionell Spruill, Sr., Delegate Jeion Ward, Jowei Chen (the “Excluded Witnesses”);¹

¹ The parties have separately reached agreement that Dr. Loewen, who had been identified by Defendant-Intervenors

WHEREAS, the Parties have determined and agreed that these Excluded Witnesses will not be called as witnesses or otherwise testify during the trial in this proceeding; and

WHEREAS, the Parties, on the basis of that agreement, chose not to depose any of the Excluded Witnesses;

THE PARTIES agree and stipulate as follows:

The Parties will not call or compel the appearance of any of the Excluded Witnesses at the trial or in connection with any other motion or evidentiary hearing in this proceeding;

The Parties will not seek to admit into evidence at the trial or in connection with any other motion or evidentiary hearing in this proceeding any affidavit or declaration of any of the Excluded Witnesses, or any statement of any of the Excluded Witnesses generated solely in connection with or for purposes of this litigation; and

The Parties did not take the deposition of any of the Excluded Witnesses as part of the discovery being conducted in this proceeding.

Nothing in this stipulation, however, shall prevent or impair the ability of any party to offer into evidence a document, email, transcript, hearing record, recording, or other record of statements made by any of the Excluded Witnesses on the Floor of the General Assembly, or during the course of legislative hearings, or otherwise in connection with the 2010 redistricting cycle for the Virginia House of Delegates.

as a potential witness (Dkt. 188), will not be called to testify by either party and that the parties will instead submit deposition designations.

Date: October 6, 2017

Respectfully submitted,

By /s/ Katherine L. McKnight

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2017, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the counsel of record in this case.

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